

COUNTY OF YORK

MEMORANDUM

DATE: December 2, 2003 (PC Mtg. 12/10/03)

TO: York County Planning Commission

FROM: Maggie Costello, Planner

SUBJECT: Application No. UP-628-03, Mina Bailey

ISSUE

Application No. UP-628-03 requests a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation within a single-family detached dwelling located at 219 Susan Newton Lane (Route 1651) and further identified as Assessor's Parcel No. 37-23-4-52.

DESCRIPTION

- Property Owner: Brian and Mina Bailey
- Location: 219 Susan Newton Lane
- Area: 0.29 acre
- Frontage: 90 feet on Susan Newton Lane (Route 1651)
- Utilities: Public sewer and public water.
- Topography: Moderate slopes
- 2015 Land Use Map Designation: Medium-Density Residential
- Zoning Classification: PD – Planned Development
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Single-family detached home
 - East: Single-family detached home (across Susan Newton Lane)
 - South: Lake/Common Area
 - West: Single-family detached home
- Proposed Development: Beauty shop as a home occupation

CONSIDERATIONS/CONCLUSIONS

1. The applicant lives in the Meadowlake planned development and wishes to operate a beauty shop in her home. Section 24.1-283 of the Zoning Ordinance requires a Special Use Permit for any home occupations with on-premises retail sales, personal services, or customer/client contact, specifically including barber and beauty shops.
2. Section 24.1-281 of the Zoning Ordinances specifies a series of performance standards that apply to home occupations in general, and Section 24.1-283(b) sets forth additional standards that apply specifically to those home occupations for which a use permit is required. The general purpose of these standards is to limit the size, scale, and visibility of home occupations in order to ensure that they remain incidental and subordinate to the residential use of the property and to prevent adverse impacts on surrounding homes. Pursuant to these standards, home occupations are not permitted to occupy more than 25% of the floor area of the residence or 400 square feet, whichever is less. The applicant's home has approximately 1,855 square feet of floor area (not including the garage), and the beauty salon will be limited to the 335-square foot area of the garage (18% of the living area of the home). The Zoning Ordinance also limits the hours of operation to the period between 8:00 AM and 8:00 PM, Monday through Saturday, unless otherwise specified by the Board through a use permit condition. The applicant's proposed hours of operation are Tuesday through Saturday from 9 AM to 5 PM.
3. The applicant will be the sole operator of the business, performing hair services for and selling hair care products to customers. Only one customer is proposed be seen at any one time by the applicant. However, there might be situations where another client arrives prior to the departure of the client being served. For this reason, a condition has been included in the approving resolution specifying that only one customer may be served at one time. The applicant has stated that the maximum traffic per day is expected not to exceed five clients. This would generate approximately 10 vehicle trips a day (five entering, five exiting). Although the applicant is not expecting to schedule more than five clients in any one day, the hours of operation create the potential of generating a maximum of approximately 18 vehicle trips per day (nine entering, nine exiting). However, these numbers are not significantly higher than the typical ten (10) daily vehicle trips generated by a single-family detached home.
4. The subject property can accommodate both the residential parking requirement (two spaces) and the off-street parking demand generated by the proposed beauty shop (two spaces). The home has a driveway measuring approximately 700 square feet that can accommodate at least 3-5 cars.
5. In the past eleven years, the Board of Supervisors has approved ten applications for home barber and beauty shops. For comparison purposes, relevant data for these ten home occupations are listed in the table below. As the table indicates, the

proposed home occupation would be similar in hours of operation to these approved home occupations; the size would be somewhat greater but well within the guidelines established by the Zoning Ordinance.

Approval Date	Location	Maximum Area	Days and Hours of Operation
2/21/91	Lotz Acres Estates	125 square ft.	Monday-Saturday, 8 AM-8 PM
10/17/91	Hudgins Farm Drive	240 square ft.	Monday-Saturday, 8 AM-8 PM
4/16/92	Hornsbyville Road	240 square ft.	Monday-Saturday, 8 AM-8 PM
10/15/92	Running Man	150 square ft.	Monday-Saturday, 8 AM-8 PM
5/20/93	Edgehill	260 square ft.	Monday-Friday, 9 AM-5 PM
8/16/95	Carraway Terrace	200 square ft.	Tuesday-Thursday, 9 AM-6 PM
11/21/00	Woods of Tabb	150 square ft.	3 days/week 9 AM-5 PM
2/19/02	Edgehill	250 square ft.	Tues.& Thurs., 10 AM-7 PM; Wed.& Fri., 10 AM-4 PM; and Saturday 10 AM-2 PM
2/19/02	Carver Gardens	200 square ft.	Monday-Saturday, 8 AM-8 PM
7/16/02	Skimino Hills	200 square ft.	Monday-Saturday, 9 AM-5 PM

According to staff in the County's Zoning and Code Enforcement Division, there have been no complaints or compliance problems associated with any of these home beauty/barber shops.

6. Section 24.1-281(e) of the Zoning Ordinance states that home occupations "shall not generate traffic, parking, sewerage or water use in excess of that which is normal in the residential neighborhood." By their nature home beauty shops typically involve more water use than an ordinary home. However, since this property is served by public water and sewer, staff feels that the impact of additional water use is not of concern.

RECOMMENDATION

The proposed home occupation is a small-scale operation and is not likely to have any adverse impacts on the surrounding area. Staff is confident that the proposed conditions prohibiting non-resident employees and limiting the hours of operation are sufficient to ensure that it remains a small-scale operation, consistent with the intent of the home occupation provisions of the Zoning Ordinance. Therefore, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions contained in proposed Resolution No. PC03-36.

LMC

Attachments

- Zoning Map
- Vicinity Map
- Applicant's Letter of Intent

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- Building Plan
- Survey Plat
- Proposed Resolution No. PC03-36